IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	Woronoff, John	International App. No. PCT/US2004/005145
Serial No.:	10/588,938	International Filing Date: 20 February 2004
Filed:	08/08/2006	
Art Unit:	3654	
Examine:	Kruer, Stefan	
Confirmation No.:	9734	
For:	A DEVICE FOR MOVING A PLATFORM ALONG ELEVATOR GUIDE RAILS	

PETITION TO HAVE OBJECTIONS WITHDRAWN

Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully petitions to have objections to the specification, drawings and claims withdrawn.

In the Final Office Action mailed on April 28, 2010 (Exhibit A), the Examiner has objected to the disclosure under 35 CFR 1.71, "as being incomprehensible with respect to specific aspects of the disclosure." The Examiner objected to the drawings under 37 CFR 1.83(a) on the basis that they do not show "structural detail that is essential for a proper understanding of the disclosed invention." The Examiner objected to claims 25-26 and 30-31 for including the word "desired" when the Examiner's preference would be to include the word "upward."

In a response filed December 9, 2009 (Exhibit B), Applicant requested withdrawal of the objections.

The objection to the disclosure should be withdrawn.

The Examiner objected to the disclosure under 35 CFR 1.71 on two points. First, on page 2 of the Final Office Action, the Examiner states:

> With respect to the use of a hand-held drill in lieu of a drive motor (as incorporated in 38, Fig. 2, Page 3, L. 11), in that the two platforms, as understood, are to travel upwards along guide rails in a hoistway, the use of a drive motor with a control cord/wireless controller, though neither disclosed yet possibly used, to operate the drive motor intermittently to incrementally move the platforms along a vertical direction of the guide rails,, wherein an operation of said drive motor can be positioned off of an upper one of said platforms is feasible (e.g., said operator positioned on a remote landing, upper platform (?), etc.); however, the use of hand-held drill to drive gearing (as incorporated in 38, Fig. 2, Page 3, L. 11) in lieu of driving said gearing by a drive motor, is not understood, in view of the need for someone to be directly adjacent said gearing to driving engage said gearing with said hand-held drill.

It should be noted at the outset, that none of Applicant's claims recite the use of a hand-held drill. Therefore, this objection does not have anything to do with the specific language of any one of the claims. The objection is purely based upon the Examiner's view of the description. The Examiner's alleged problem with the disclosure stems from the following statement on page 3, lines 8-13 of the specification:

> Figure 2 shows a general view of the moving mechanism 32 of this example embodiment. The moving mechanism 32 includes a mover 38 attached to the second platform 30. The mover in this example includes a gear set (not shown) driven by a motor. In one example, a motor is provided as part of the moving mechanism 32. In another example, an outside motor such as that in a hand-held drill provides the motive force.

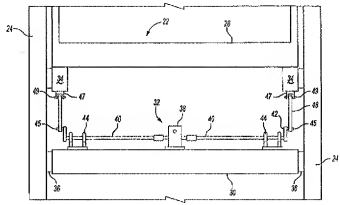

Fig-2

There is no great mystery to one skilled in the art how using a motor to move the drive shafts 40 to cause corresponding movement of levers 42 would be accomplished. There is no question in the Examiner's mind as to how incorporating a motor into the mover 38 would accomplish this. There should be no question as to how one could use a hand-held drill to accomplish the same result. For example, it is immediately apparent to one skilled in the art that an individual using a hand-held drill to cause rotation of an appropriate input member of the mover 38 would simply support themself on the platform 30 by standing up or kneeling upon that platform, for example. No further explanation is required for one skilled in the art to understand what is disclosed in the description.

As mentioned in the description, the platforms are used during an elevator system installation process. Those skilled in the art of elevator installation already know that platforms are used in different manners within an elevator hoistway at different times during elevator installation procedures. One skilled in the art, therefore, would readily recognize that a person would need to be on one or more of the platforms in Applicant's example embodiment at one or more times during the elevator installation procedure. Already being on a platform would naturally allow an individual to use a hand-held drill in a manner consistent with what is mentioned in Applicant's disclosure.

There is nothing "incomprehensible" about the "specifics" regarding the potential use of something like a hand-held drill to provide a motive force to cause movement of the levers and linkages in the example embodiment of Figure 2. The objection to the disclosure on that basis has to be withdrawn.

The second objection to the disclosure is stated by the Examiner as follows:

> With respect to the use of a pressurized actuator in lieu of an (electrical) drive motor (Page 5, L. 21 – Page 6, L. 3, Fig. 5), as understood, said actuator pushes the upper one of two platform upwards and then, upon evacuation of said pressurized fluid, allows said upper of two platforms to fall until a first holding device (34) engages an associated rail to arrest further downward movement of said upper platform; however, further evacuation of said pressurized fluid, as

understood from the embodiment as depicted, would not result in a lifting of a lower of said two platforms on which actuator is mounted, unless the actuator was of double-acting construction having two pressure chambers in which pressurized fluid can be introduced/evacuated such that a piston of said actuator is forcibly moved upwards and downwards.

The disclosure reviews a conceptual system, thereby enabling/requiring unnecessary interpretation as to a defined scope of the cooperative elements, their structure as well as their interaction.

Applicant respectfully disagrees with the Examiner's position. Figure 5 schematically shows an arrangement that is the subject of the Examiner's problem with the disclosure.

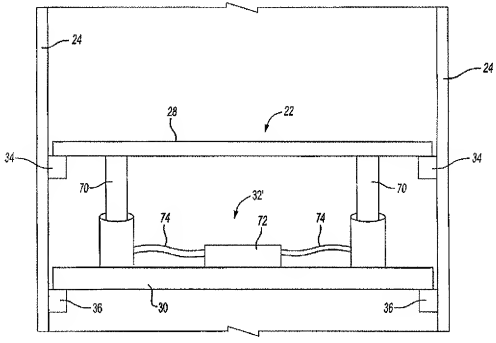

Fig-5

That example is described in Applicant's specification as follows:

Figure 5 schematically shows another example embodiment. In this example, the moving mechanism 32' includes at least one pressurized actuator. In this example, two actuators 70 are shown. The pressurized actuator may be pneumatic or hydraulic, for example. The pressure source of pressurized fluid 72 is coupled using conventional fluid lines 74 to the actuators 70. By appropriately controlling the pressurized source 72, the actuators 70 expand and contract to cause the platforms 28 and 30 to move in a sequential manner because the holding devices

> 34 and 36 prevent downward movement (according to the drawing) of the platforms.
>
> In an example where the moving mechanism 32' is hydraulic, the pressure source 72 comprises a pump. In an example where the moving mechanism 32' is pneumatic, the pressure source 72 comprises a compressor.
>
> For example, when the actuators 70 are in an expanded position and fluid is evacuated from the actuators to cause them to contract, the second platform 30 is pulled upward toward the first platform 28. Subsequently, when the actuators are filled with pressurized fluid they expand causing the first platform 28 to be pushed upward and away from the second platform 30, which remains in position because of the operation of the holding devices 36.

That description is entirely clear to one skilled in the art as to how an example embodiment like that shown in Figure 5 would operate. There is no "unnecessary interpretation as to a defined scope of the cooperative elements" as suggested by the Examiner. Moreover, the Examiner's interpretation is directly contrary to the express statements in Applicant's specification.

There is no basis for an objection to the disclosure in this regard. The objection must be withdrawn.

The objection to the drawings should be withdrawn.

The Examiner objected to the drawings under 37 CFR 1.83(a) alleging that they "fail to show an arrangement of said primary embodiment utilizing a hand-held drill to forcibly drive a gearing as well as an arrangement to evacuate the pressurized actuator to upwardly move a lower of said two platforms as described in the specification and reviewed above. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing."

It is again worth noting that none of Applicant's claims recite the use of a hand-held drill. Therefore, this objection does not have anything to do with the specific language of any one of the claims. The objection is purely based upon the Examiner's view of the drawings.

As described above, Applicant's schematic drawings and the statements in the specification leave no doubt to one skilled in the art as to what is being described. There is no "structural detail that is essential for a proper understanding of the disclosed invention" that is not already given. The schematic illustration as provided is sufficient to convey to one skilled in the art that which Applicant regards as an example embodiment of the invention. There is no need for any changes to the drawings and the objection should be withdrawn.

The objection to claims 25-26 and 30-31 should be withdrawn.

The Examiner has objected to claims 25-26 and 30-31 because they recite that holding devices associated with the platforms allow movement of the platforms along guiderails in a "desired direction" rather than stating that they allow movement of the platforms along the guiderails in an "upward" direction. The Examiner would prefer that the claims use the term "upward." The term "desired" is entirely consistent with the description and was used in the originally filed claims in this case. Applicant is entitled to be its own lexicographer, which provides an Applicant with even broader discretion than has been used in this case. The use of the term "desired" is entirely consistent with the normal understanding of that term. Moreover, that term is entirely consistent with the description in this case.

There is no basis for the Examiner to impose his own personal preferences on Applicant regarding the terms in Applicant's claims. There is no basis for the objection to the claims and the objection must be withdrawn.

Conclusion

Applicant respectfully requests that the Director withdraw the objections because the Examiner has refused to do so. As explained above, there is no basis for any of the objections that the Examiner has refused to withdraw.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: _____

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Dated: June 28, 2010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,938 ✓	08/08/2006 ✓	Kenneth John Woronoff	60,469-115 PUS1; OT-5256	9734

7590 04/28/2010

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CARLSON, GASKEY & OLDS
APR 30 2010
RECEIVED

EXAMINER	
KRUER, STEFAN	
ART UNIT	PAPER NUMBER
3654	
MAIL DATE	DELIVERY MODE
04/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

POSTED

PTOL-90A (Rev. 04/07)

EXHIBIT A

Office Action Summary	Application No.	Applicant(s)	
	10/588,938	WORONOFF, KENNETH JOHN	
	Examiner	Art Unit	
	Stefan Kruer	3654	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18 - 30 and 32- 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18 - 30 and 32 - 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 August 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Disclosure

The disclosure is objected to under 37 CFR 1.71, as being incomprehensible with respect to specific aspects of the disclosure. The following items remain unclear:

- With respect to the use of a hand-held drill in lieu of a drive motor (as incorporated in 38, Fig. 2, Page 3, L. 11), in that the two platforms, as understood, are to travel upwards along guide rails in a hoistway, the use of a drive motor with a control cord/wireless controller, though neither disclosed yet possibly used, to operate the drive motor intermittently to incrementally move the platforms along a vertical direction of the guide rails, wherein an operator of said drive motor can be positioned off of an upper one of said platforms is feasible (e.g., said operator positioned on a remote landing, upper platform (?), etc.); however, the use of a hand-held drill to drive gearing (as incorporated in 38, Fig. 2, Page 3, L. 11) in lieu of driving said gearing by a drive motor, is not understood, in view of the need for someone to be directly adjacent said gearing to driving engage said gearing with said hand-held drill.
- With respect to the use of a pressurized actuator in lieu of an (electrical) drive motor (Page 5, L. 21 – Page 6, L. 3, Fig. 5), as understood, said actuator pushes the upper one of two platform upwards and then, upon evacuation of said pressurized fluid, allows said upper of two platforms to fall until a first holding device (34) engages an associated rail to arrest further downward movement of said upper platform; however, further evacuation of said pressurized fluid, as understood from the embodiment as depicted, would not result in a lifting of a lower of said two platforms on which actuator is mounted, unless the actuator was of double-acting construction having two pressure chambers in which pressurized fluid can be introduced/evacuated such that a piston of said actuator is forcibly moved upwards and downwards.

The disclosure reviews a conceptual system, thereby enabling/requiring unnecessary interpretation as to a defined scope of the cooperative elements, their structure as well as their interaction.

Applicant is required to submit an amendment, which clarifies the disclosure so that the examiner may ensure a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show an arrangement of said primary embodiment utilizing a hand-held drill to forcibly drive a gearing as well as an arrangement to evacuate the pressurized actuator to upwardly move a lower of said two platforms as described in the specification and reviewed above. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 25 – 26 and 30 - 31 objected to because in Lines 7 and 3, respectively, "desired" is preferably expressed as "upward".

Appropriate corrections are required.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As reviewed above with respect to the specification and the drawings, the pressurized actuator that enables lifting of a lower of two platforms upon evacuation of hydraulic fluid from said actuator is neither described nor depicted.

Claims 18 – 21, 23 - 24, 30 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner (DE 102 15 915A).

Re: **Claims 18, 30 and 23**, Meiner discloses an installation assembly for use with elevator systems, comprising:

- a first platform (2);
- a first holding device associated with the first platform ("Form- und Kraftschlusselementen", at 5, Col. 1, L. 40), the first holding device having an operative position (... die automatische aus- und eingefahren werden...)to maintain a vertical position of the first platform relative to a guide rail(s) (5, comprising two guiding columns) by preventing movement of the first platform in a first direction and permitting movement of the platform from the maintained position in an opposite direction;

- a second platform (4);
- a second holding device associated with the second platform (Col. 1, L. 40), the second holding device having an operative position to maintain a vertical position of the second platform relative to the guide rail by engaging a flat, vertical surface of the guide rail for preventing movement of the second platform in the first direction and permitting movement of the second platform from the maintained position in a direction opposite to the first direction ("Die Hubwagen arretieren sich in der Schienenwegkonstrucktion (5) über Form- und Kraftschlusselemente, vorzugsweise Scherbolzen..." (Para. 0004), translated as "The lift cars arrest themselves in the (plural) railway structure (5) via positive- and power locking elements, preferably shear bolts...", whereby "Kraftschlusselemente" can also be interpreted/understood as meaning traction elements, whereby Meiner states a preference for shear bolts that can be automatically extended and retracted into understood flat vertical surface(s) of the guide rails (5)); and
- a moving mechanism(1) that incrementally moves the platforms in the one direction, as well as with respect to **Claim 30**, said holding device associated with each of the platforms, the holding devices allowing movement of the platforms along the guide rails in the desired direction, and preventing movement of the platforms along the guide rails in a direction that is opposite to the desired direction, the holding devices engaging a vertical, flat surface of the guide rails when preventing movement of the platforms in the direction that is opposite to the desired direction

Re: **Claim 19**, Meiner discloses wherein the moving mechanism *cyclically* (i.e., at regular intervals) (Para. 0004) urges the first and second platforms toward and away from each other.

Re: **Claim 20**, Meiner discloses wherein the holding devices operate to allow only one of the first or second platforms to move at a time responsive to the urging of the moving mechanism (Para. 0004).

Re: **Claim 21**, Meiner discloses wherein the moving mechanism includes a linkage assembly (upper and lower pivot points and corresponding bearing surfaces) connected to the platforms for sequentially pushing the first platform away from the second platform in the one direction then pulling the second platform toward the first platform in the one direction.

Re: **Claim 23**, Meiner discloses wherein the moving mechanism comprises a pressurized actuator (Col. 1, L. 29).

Re: **Claim 24**, Meiner discloses wherein the first and second holding devices comprise elevator safety devices that are adapted to engage the guide rail to allow movement in the one direction and to prevent movement in the opposite direction (as the holding devices extend and bear against both the platforms and the rail(s) from which they extend).

Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Yoo (5,307,904).

Meiner discloses his holding devices as preferably being shear bolts or other positive locking (fitting)/traction elements; however, though enabling a broad scope of traction/power transferring/positive locking elements, Meiner is silent with respect to his holding device being at least one of a roller or wedge as comprising an elevator safety device as known in the art.

Attention is directed to Yoo who teaches his elevator safety device (26, Fig. 1 - 2) that prevents travel in an undesired direction wherein his safety device comprises a wedge for engaging a surface of a guide rail, wherein his safety device disengages the rail once an amount of downward travel of his first platform (24) is achieved, for which said plate retraction can be achieved via separate "... mechanism involving solenoids or a spring-biased mechanism with appropriate linkages" (Col. 4, L. 1 – 6)

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Yoo to provide a holding mechanism comprising an elevator safety device having at least a wedge for engaging the surface on a guide rail,

in lieu of the mechanism using extending/retracting shear bolts, as an obvious alternative as proffered by Meiner.

Furthermore, with respect to the holding mechanism operating in a desired direction opposite that as intended/claimed, it has been held that a merely reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein, 8 USPQ 167.*

Claims 22, 25 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Nakada et al (JP 03259887 A).

Re: **Claim 22**, Meiner is silent with respect to wherein the linkage assembly comprises a rotatable drive shaft.

Attention is directed to Nakada et al who teaches linkage assembly comprises a rotatable drive shaft (20, Fig. 4) having a first end connected to a mover (2 at depicted, not designated vertical element), a lever (arm of 2) connected to an opposite end of the drive shaft, and a connecting link (not designated vertical element) having a first end rotatably connected to the lever such that rotation of the drive shaft causes movement of the connecting link to push and pull his platforms (3, 1) away from and toward each other, respectively.

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Nakada et al to utilize a scissors-lift in lieu of a double-acting hydraulic cylinder to afford greater precision in incremental lifting, lack of potential, residual force loading, a lack of hydraulic ancillaries, such as a tank, pump and related controls, and the obviate concerns for the replenishment of hydraulic fluid and potential condensation therein, in all for performance and lower operating costs.

Re: **Claims 25 - 29**, Meiner discloses the invention of Claims 18 – 21; however, Meiner is silent with respect to wherein the linkage assembly comprises a rotatable drive shaft.

As reviewed in **Claim 22**, attention is directed to Nakada et al who teaches linkage assembly (2, Fig. 4) comprises a rotatable drive shaft (20) having a first end

connected to a mover (lower pivot block of 2 at depicted, not designated vertical element), a lever (arm of 2) connected to an opposite end of the drive shaft, and a connecting link (not designated vertical element) having a first end rotatably connected to the lever such that rotation of the drive shaft causes movement of the connecting link to push and pull his platforms (3, 1) away from and toward each other, respectively, such that rotary movement of the lever [member] causes generally linear movement of the linkage arm.

It would have been obvious to one of ordinary skill in the art to modify the reference of Meiner with the teaching of Nakada et al to utilize a scissors-lift in lieu of a double-acting hydraulic cylinder for greater precision in incremental lifting and lack of hydraulic ancillaries as well as concerns for the maintenance thereof, for performance and savings in operating costs.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meiner in view of Nakada et al, as applied to Claim 25, and in further view of Yoo.

Meiner discloses his holding devices as preferably being shear bolts or other positive locking (fitting)/traction elements; however, though enabling a broad scope of traction/power transferring/positive locking elements; however,

Meiner and Nakada et al are silent with respect to a holding device being at least one of a roller or wedge as comprising an elevator safety device as known in the art.

Attention is directed to Yoo who teaches his elevator safety device (26, Fig. 1 - 2) that prevents undesired upward travel beyond a certain point wherein his safety device comprises a wedge for engaging a surface of a guide rail, wherein his safety device disengages the rail once an amount of downward travel of his first platform (24) is achieved, for which said plate retraction can be achieved via separate "... mechanism involving solenoids or a spring-biased mechanism with appropriate linkages" (Col. 4, L. 1 – 6)

It would have been obvious to one of ordinary skill in the art to modify the invention of Meiner and Nakada et al with the teaching of Yoo to provide a holding mechanism

comprising an elevator safety device having at least a wedge for engaging the surface on a guide rail, in lieu of the mechanism using extending/retracting shear bolts, as an obvious alternative as proffered by Meiner.

Furthermore, with respect to the holding mechanism operating in a desired direction opposite that as intended/claimed, it has been held that a merely reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein, 8 USPQ 167.*

Response to Arguments

Applicant's arguments filed 9 December 2009 considered but they are not persuasive.

The rejections of the previous office action were in response to the claim language. Applicant's arguments are based on the amended claim language applied to the prior art of record; consequently, this office action comprises a detailed response to Applicant's arguments.

With respect to the pressurized actuator, the Examiner can render an interpretation in order to give functionality to the scope of the invention; however, applicant is requested to provide further detail for enablement/demonstration of command of the invention.

Similarly, the use of a hand drill by an operator positioned off of the platform (?) in order to operate gearing that is to power actuators for raising the upper of two platforms, in view of the arrangement as disclosed and interpreted, requires further clarification

With respect to a holding device as newly claimed and the reference of Meiner, said holding device as claimed is anticipated by Meiner. Applicant's attempt to distinguish over the disclosure of Meiner through the recitation "... engaging a flat, vertical surface of the guide rail..." is not sufficiently discriminating in view of the terminology, description and drawings of Meiner as would have been obvious to one having ordinary skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. St. Germain et al (5,746,290), Nakamura et al (4,830,146), Davis (4,333,549), Skaalen (4,276,958) and Schwörer (5,630,482) are cited for reference of a device for moving a platform along a guide rail wherein said platform has a holding device that repeatedly engages and releases said guide rail as said platform is intermittently pushed upwards; a device for moving a platform along guide rails wherein said device has a moving mechanism comprising a double-acting pressurized actuator; a holding device for a platform moving along a guide rail wherein said holding device is adapted to engage a guide rail and comprises a wedged aperture and with rotatable frictional member to prohibit movement of said platform in a downward direction; a holding device comprising dual pivotable members for repeatedly engaging a guiding surface upon subsequent upward movement, to prohibit movement of said holding device in a direction opposite to said upward movement; and a self-climbing device with at least one pressurized actuator and first- and second platforms and first- and second holding devices, each incorporating linkage arm(s) and a wedge for engaging a surface of a respective guide rail, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen, can be reached on 571.272.6952. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/
Examiner, Art Unit 3654
24 April 2010

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

Notice of References Cited	Application/Control No. 10/588,938	Applicant(s)/Patent Under Reexamination WORONOFF, KENNETH JOHN	
	Examiner Stefan Kruer	Art Unit 3654	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,307,904	05-1994	Yoo, Young S.	187/343
*	B	US-5,630,482	05-1997	Schwoerer, Artur	182/82
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Electronic Acknowledgement Receipt

EFS ID:	6600805
Application Number:	10588938
International Application Number:	
Confirmation Number:	9734
Title of Invention:	Device for moving a platform along elevator guide rails
First Named Inventor/Applicant Name:	Kenneth John Woronoff
Correspondence Address:	David J Gaskey Carlson Gaskey & Olds Suite 350 400 W Maple Road Birmingham MI 48009 US -
Filer:	David J. Gaskey/Theresa Palmateer
Filer Authorized By:	David J. Gaskey
Attorney Docket Number:	60,469-115 PUS1; OT-5256
Receipt Date:	09-DEC-2009
Filing Date:	08-AUG-2006
Time Stamp:	12:46:25
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

EXHIBIT B

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		12-9-09_Response.pdf	227453 0c805ee91f0b255548f00599b12f688fb1ceebc2	yes	9

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Specification	2	2
Claims	3	6
Applicant Arguments/Remarks Made in an Amendment	7	9

Warnings:

Information:

Total Files Size (in bytes):	227453

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:	Woronoff, John	International App. No. PCT/US2004/005145
Serial No.:	10/588,938	International Filing Date: 20 February 2004
Filed:	08/08/2006	
Art Unit:	3654	
Examine:	Kruer, Stefan	
Confirmation No.:	9734	
For:	A DEVICE FOR MOVING A PLATFORM ALONG ELEVATOR GUIDE RAILS	

RESPONSE

Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Non-Final Office Action mailed on September 22, 2009.

Amendments to the Specification begin on page 2.

Amendments to the Claims begin on page 3.

Remarks begin on page 7.

AMENDMENTS TO THE SPECIFICATION.

Please replace paragraph [0028], on page 5, lines 21-28, as follows:

[0028] Figure 5 schematically shows another example embodiment. In this example, the moving mechanism 32' includes at least one pressurized actuator. In this example, two actuators 70 are shown. The pressurized actuator may be pneumatic or hydraulic, for example. A pressure source of pressurized fluid 72 is coupled using conventional fluid lines 74 to the ~~actuator 70~~actuators 70. By appropriately controlling the pressurized source 72, the ~~actuator 70~~ actuators 70 expand and contract to cause the platforms 28 and 30 to move in a sequential manner because the holding devices 34 and 36 prevent downward movement (according to the drawing) of the platforms.

Please replace paragraph [0030], on page 5, line 32 – page 6, line 3, as follows:

[0030] For example, when the ~~actuator 70~~ actuators 70 are in an expanded position and fluid is evacuated from the actuators to cause them to contract, the second platform 30 is pulled upward toward the first platform 28. Subsequently, when the actuators are filled with pressurized fluid they expand causing the first platform 28 to be pushed upward and away from the second platform 30, which remains in position because of the operation of the holding devices 36.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1-17 (Cancelled)

18. (Currently Amended) An installation assembly for use with elevator systems, comprising;

a first platform;

a first holding device associated with the first platform, the first holding device having an operative position to maintain a vertical position of the first platform relative to a guide rail by engaging a flat, vertical surface of the guide rail for preventing movement of the first platform in a first direction and permitting movement of the platform from the maintained position in ~~an opposite direction~~a direction opposite to the first direction;

a second platform;

a second holding device associated with the second platform, the second holding device having an operative position to maintain a vertical position of the second platform relative to the guide rail by engaging a flat, vertical surface of the guide rail for preventing movement of the second platform in the first direction and permitting movement of the second platform from the maintained position in the ~~opposite direction~~direction opposite to the first direction; and

a moving mechanism that incrementally moves the platforms in the one direction.

19. (Previously Presented) The assembly of claim 18, wherein the moving mechanism cyclically urges the first and second platforms toward and away from each other.

20. (Previously Presented) The assembly of claim 19, wherein the holding devices operate to allow only one of the first or second platforms to move at a time responsive to the urging of the moving mechanism.

21. (Previously Presented) The assembly of claim 18, wherein the moving mechanism includes a linkage assembly connected to the platforms for sequentially pushing the first platform away from the second platform in the one direction then pulling the second platform toward the first platform in the one direction.

22. (Currently Amended) The assembly of claim 21, ~~where~~ wherein the linkage assembly comprises a rotatable drive shaft having a first end connected to a mover, a lever connected to an opposite end of the drive shaft, and a connecting link having a first end rotatably connected to the lever such that rotation of the drive shaft causes movement of the connecting link to push and pull the platforms away from and toward each other, respectively.

23. (Previously Presented) The assembly in claim 18, where the moving mechanism comprises a pressurized actuator.

24. (Previously Presented) The assembly of claim 18, wherein the first and second holding devices comprise elevator safety devices that are adapted to engage the guide rail to allow movement in the one direction and to prevent movement in the opposite direction

25. (Currently Amended) A device for moving a platform along guide rails in an elevator system, comprising:

a first platform;

a second platform; ~~and~~

a moving mechanism between the first and second platforms and coupled to the platforms that sequentially urges the platforms toward and away from each other to cause incremental movement of the platforms in a desired direction along the guide rails, the moving mechanism includes at least one linkage arm that is moveable responsive to rotary movement of at least one other member to urge the platforms toward and away from each other; and

a holding device associated with each of the platforms, the holding devices allowing movement of the platforms along the guide rails in the desired direction and preventing movement of the platforms in a direction opposite to the desired direction, the holding devices engaging a vertical, flat surface of the guide rails when preventing movement of the platforms in the direction that is opposite to the desired direction.

26. (Cancelled)

27. (Previously Presented) The device of claim 25, wherein the at least one other member of the moving mechanism comprises a lever member coupled with the linkage arm such that rotary movement of the lever member causes generally linear movement of the linkage arm.

28. (Previously Presented) The device of claim 27, wherein the lever member is coupled to a rotatable drive shaft.

29. (Currently Amended) The device of claim 28, wherein the drive shaft and ~~lever re~~ level are supported on the second platform, one end of the linkage arm is coupled with the lever and an opposite end of the linkage arm is coupled with the first platform.

30. (Currently Amended) A device for moving a platform along guide rails in an elevator system, comprising:

a first platform;

a second platform; ~~and~~

a moving mechanism comprising a pressurized actuator between the first and second platforms and coupled to the platforms that sequentially urges the platforms toward and away from each other to cause incremental movement of the platforms in a desired direction along the guide rails; and

a holding device associated with each of the platforms, the holding devices allowing movement of the platforms along the guide rails in the desired direction and preventing movement of the platforms along the guide rails in a direction that is opposite to the desired direction, the holding devices engaging a vertical, flat surface of the guide rails when preventing movement of the platforms in the direction that is opposite to the desired direction.

31. (Cancelled)

32. (New) The device of claim 30 including two of the holding devices associated with each of the platforms, each of the holding devices comprising an elevator safety device having at least one of a roller or a wedge for engaging the surface on one of the guide rails.

33. (New) The device of claim 25 including two of the holding devices associated with each of the platforms, each of the holding devices comprising an elevator safety device having at least one of a roller or a wedge for engaging the surface on one of the guide rails.

34. (New) The assembly of claim 18 including two of the holding devices associated with each of the platforms, each of the holding devices comprising an elevator safety device having at least one of a roller or a wedge for engaging the surface on one of the guide rails.

REMARKS

Amendments to the claims are presented above. Applicant respectfully requests reconsideration of this application.

The objection to the disclosure should be withdrawn.

Applicant respectfully traverses the objection to the disclosure under 37 CFR 1.71. There is nothing "incomprehensible" about the "specific aspects of the disclosure" as suggested by the Examiner. There is no further explanation required for how a handheld drill or a pressurized actuator could be used with the disclosed example embodiments.

In the case of the handheld drill, for example, it is immediately apparent to one skilled in the art that an individual using a handheld drill to cause rotation of an appropriate input member would simply support themself on the platform 30 by standing up or kneeling upon it, for example. No further explanation is required for one skilled in the art to understand what is disclosed in the description.

With regard to the pressurized actuator, the description is clear that the moving mechanism 32' operates in a manner that the actuators 70 expand or contract in response to pressurized movement of the fluid. There is no further explanation required. One skilled in the art will immediately recognize how to implement such an arrangement. The objection to the disclosure should be withdrawn.

The objection to the drawings should be withdrawn.

There is no requirement for any further detail "essential for a proper understanding of the invention." An example embodiment upon which the claims read is clearly shown in the drawings. There is no requirement for any further explanation or further drawings in this case. The objection should be withdrawn.

Objections to the claims.

Applicant has amended claim 18, 22 and 29 to address the issues raised by the Examiner on page 4 of the Office Action. Those objections can be withdrawn.

Applicant respectfully declines to take the Examiner's suggestion to change claim 25, 26, 30 and 31. Applicant's choice of the word "desired" is entirely consistent with the specification and the claims as originally filed. There is no need for any change in those claims. That objection should also be withdrawn.

The rejection of claim 23 under 35 U.S.C. §112 should be withdrawn.

Applicant has already explained that the pressurized actuator description is sufficient. There is no basis for a rejection of claim 23 under 35 U.S.C. §112. An Applicant does not need to provide a detailed parts list for all components in a disclosed embodiment. A conceptual rendering and straightforward description is sufficient where there are a variety of known components that can perform operations such as those described and claimed. Moreover, contrary to the Examiner's assertion that "the pressurized actuator…is neither described nor depicted," paragraphs [0028-0030] and Figure 5 discuss and depict an example embodiment including pressurized actuators 70. The rejection should be withdrawn.

The rejection of claims 18-21, 23-24 and 30-31 under 35 U.S.C. §102 can be withdrawn.

Applicant respectfully submits that the rejection under 35 U.S.C. §102 based upon the *Meiner* reference can be withdrawn. There is nothing in that reference that corresponds to a holding member that engages a vertical, flat surface of a guide rail as recited in each of Applicant's claims. Instead, that reference relies upon pins 5 (i.e., horizontally oriented surfaces that are not part of an elevator guide rail) for holding the platforms 2 and 4 in desired positions.

Additionally, the new claims presented above recite that the holding device is an elevator safety device. There is no such disclosure within the *Meiner* reference.

Applicant respectfully requests that the rejection under 35 U.S.C. §102 be withdrawn.

The rejection of claims 22, 25-29 under 35 U.S.C. §103 can be withdrawn.

Even if it made sense to combine the *Meiner* and *Nakada, et al.* references as suggested by the Examiner, there still is nothing corresponding to a holding device as recited in Applicant's claims and, therefore, there is no *prima facie* case of obviousness. Additionally, it is not possible to modify the arrangement of the *Meiner* reference in a manner to somehow attempt to render it consistent with Applicant's claims without removing an intended feature from that reference. For example, that would require removing the pins 5 and completely redesigning the structure that holds the platforms 2 and 4 in place along the ringed mill tower. Such a modification is not permitted for attempting to manufacture a *prima facie* case of obviousness as explained, for example, in MPEP 2143.01 (V) and (VI). Applicant respectfully submits that none of the claims can be considered obvious.

Conclusion

This case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: _____

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Dated: December 9, 2009

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